

# Penalty Notices for School Absence - information for parents and carers

South Gloucestershire Council

## What is a Penalty Notice?

Penalty Notices were introduced under Section 23 (1) of the Anti Social Behaviour Act 2003 to address unauthorised absence from school. It is a fine issued by South Gloucestershire Council to parents/carers of a child who has failed to attend school regularly and whose absence is unauthorised.

Penalty Notices can also be issued to the parents/carers of a child who has failed to attend an alternative provision, arranged by the local authority (for example under Section 19 of the Education Act 1996).

It does not require the parent to attend court but is an alternative to prosecution in the magistrate's court. Parents/carers who pay the fine in full within the time limits cannot later be prosecuted for the offence to which the Penalty Notice relates (Section 444 of the Education Act 1996).

## Why were Penalty Notices introduced?

Reducing absence from school is a key priority of the government and local authority because missing school may limit a pupil's attainment, disrupt school routines and the learning of others, and can leave a pupil vulnerable to anti-social behaviour and youth crime.

## When might a Penalty Notice be issued?

A National Framework came into effect on 19 August 2024. The national threshold for a Penalty Notice is met when a pupil has been recorded as absent for 10 sessions (usually equivalent to 5 school days) within 10 school weeks.<sup>1</sup> There are 2 sessions per day, one in the morning and one in the afternoon.

A Penalty Notice may be issued to a parent where the pupil has been absent for 10 sessions within 10 school weeks, with one of, or a combination of the following codes:

- a) Code G (the pupils is absent without leave for the purpose of a holiday);
- b) Code O (unauthorised absence);
- c) Code U (the pupil attended after the taking of the register ended but before the end of the session, where no other code applies).

In exceptional circumstances, the local authority retains the right to issue a penalty notice before the threshold is met. This may apply, for example, where a parent is deliberately avoiding the national threshold by taking several term time holidays below the national threshold, or where there are repeated absences for other events which have not been authorised by the school (including, but not limited to, birthdays or family events). Decisions will be made on a case-by-case basis.

## How much is the fine?

The Penalty Notice charge has increased for absences that began after 19 August 2024.

### **Absence that began before 19 August 2024**

The changes above do not apply to absence that began before 19 August 2024. Where a

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<sup>1</sup> A school week means any week (Monday to Sunday) in which there is at least one school session. The 10 school-week period when the national threshold applies may span different terms or school years (e.g. 2 sessions of unauthorised absence in Term 6 and a further 8 within Term 1).

child was absent due to an unauthorised holiday in term time which began during Term 6 2023-24, the previous thresholds apply. This means that a parent could be issued with a Penalty Notice if more than 10 sessions of unauthorised absence were recorded in 7 school weeks (i.e. 70 sessions). Penalty notices issued in relation to absence which began during Term 6 2023/24, or earlier, are charged at £120 if paid within 28 days. This amount is reduced to £60 if paid within 21 days.

### 1<sup>st</sup> Penalty Notice

For the first Penalty Notice issued for unauthorised absence in term time, from 19 August 2024, the amount will be:

- £80 per parent, per child (if paid within 21 days of issue)
- £160 per parent, per child (if paid after 21 days but within 28 days of issue)

| No. of parents | No. of children | Fine amount up to 21 days | Fine amount after 21 days but within 28 days |
|----------------|-----------------|---------------------------|----------------------------------------------|
| 1              | 1               | £80                       | £160                                         |
| 1              | 2               | £160                      | £320                                         |
| 2              | 2               | £320                      | £640                                         |
| 2              | 3               | £480                      | £960                                         |

### 2<sup>nd</sup> Penalty Notice

For a second Penalty Notice issued for unauthorised absence in term time (to the same parent, in relation to the same child), from 19 August 2024, the amount will be:

- £160 per parent, per child (if paid within 28 days). This is a flat rate. There is no discount for early payment.

| No. of parents | No. of children | Fine amount up to 21 days | Fine amount after 21 days but within 28 days |
|----------------|-----------------|---------------------------|----------------------------------------------|
| 1              | 1               | Not applicable            | £160                                         |
| 1              | 2               | Not applicable            | £320                                         |
| 2              | 2               | Not applicable            | £640                                         |
| 2              | 3               | Not applicable            | £960                                         |

The payment must be made in full – part payments will not be accepted - details of how to pay are printed on the Penalty Notice.

### Further offences

If a third offence is committed for unauthorised absence in term time within a period of three years, by the same parent for the same child (including those from other schools or local authorities), there will not be the opportunity to pay a penalty notice as an alternative to prosecution. This may result in an automatic request for prosecution.

## What can you do to avoid receiving a Penalty Notice?

- ensure your child attends school every day and on time
- make sure your child knows that they cannot have odd days off school - 'Every Lesson Counts'
- speak to the class teacher or tutor if your child is beginning to miss odd days
- don't take family holidays in term time.

## Is there an appeal process?

There is no right of appeal against the Penalty Notice but if you believe it to be incorrectly issued to you, you should contact the Senior Education Officer immediately (number below). If you believe you are not guilty of the offence and therefore decide not to pay the Notice, you have the right to represent your case at the Magistrates Court but you should seek legal advice before making this decision.

## What happens if I do not pay?

If you have not paid the Penalty Notice in full **before the 28 days** allowed, the authority is required to commence legal proceedings in the Magistrates Court for the original offence of failure to ensure regular attendance at school.

If proven, this could result in a fine of up to £1000 under Section 444 (1) or up to £2500 and/or three months imprisonment under Section 444 (1A), a Parenting Order or other sanctions at the Magistrates' disposal. You are strongly urged to seek legal advice if you are considering not paying the Penalty Notice.

## Further information and advice

Department for Education statutory guidance:

<https://www.gov.uk/government/publications/working-together-to-improve-school-attendance>

[www.childrenslegalcentre.com](http://www.childrenslegalcentre.com) 0808 802 0008  
[www.adviceguide.org.uk](http://www.adviceguide.org.uk) 08444 111 444

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